

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

PAMELA A. FRANKS and BILLY L.  
FRANKS, wife and husband,

Plaintiffs,

vs.

TARGET CORPORATION, a foreign corporation,

Defendant.

No.

DEFENDANT TARGET'S NOTICE OF  
REMOVAL OF CIVIL ACTION UNDER  
28 U.S.C. §§ 1332, 1441 AND 1446

(REMOVED FROM KING COUNTY  
SUPERIOR COURT CAUSE NO. 21-2-  
00989-8 SEA)

15 TO: Clerk of U.S. District Court Western District of Washington at Seattle;

16 | AND TO: Plaintiffs' Counsel of Record.

17       **PLEASE TAKE NOTICE** that Defendant Target Corporation hereby removes to this  
18 Court the state court action described below on the grounds stated herein, and as supported by  
19 the Declaration of Roy A. Umlauf and the exhibits attached thereto.

## I. INTRODUCTION & STATEMENT OF FACTS

21 On January 22, 2021, Plaintiffs Pamela A. Franks and Billy L. Franks commenced a  
22 lawsuit in King County Superior Court entitled *Pamela A. Franks and Billy L. Franks v. Target*  
23 *Corporation*, cause number 21-2-00989-8 SEA. Defendant Target was served with a copy of

DEFENDANT TARGET'S NOTICE OF REMOVAL OF CIVIL ACTION UNDER  
28 U.S.C. §§ 1332, 1441 AND 1446 – PAGE 1

**FORSBERG & UMLAUF, P.S.**  
ATTORNEYS AT LAW  
901 FIFTH AVENUE • SUITE 1400  
SEATTLE, WASHINGTON 98164  
(206) 689-8500 • (206) 689-8501 FAX

1 the Summons and the Complaint in the above-entitled state court action on February 3, 2021.  
 2 *Declaration of Roy A. Umlauf*, at Exhibit 1. Plaintiffs are claiming more than \$75,000 in  
 3 damages pursuant to their response to Defendant's Request for Admissions. *Umlauf Decl.*, at  
 4 Ex. 2.

5 This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is being filed  
 6 "within 30 days after the receipt by the defendant, through service or otherwise, of a copy of  
 7 the initial pleading setting forth the claim for relief upon which such action or proceeding is  
 8 based." 28 U.S.C. § 1446(b).

9 Defendant Target Corporation is a Minnesota corporation with headquarters located in  
 10 Minneapolis, Minnesota. *Umlauf Decl.*, at Ex. 3. Plaintiffs are residents of Pierce County,  
 11 Washington. *Umlauf Decl.*, at Ex. 1.

## 12 II. BASES FOR REMOVAL

### 13 A. There is Complete Diversity of Citizenship under 28 USC § 1332.

14 This Court has subject matter jurisdiction over this civil action pursuant to 28 U.S.C. §  
 15 1332(a)(1), and is one which can be removed to this Court by defendant pursuant to 28 U.S.C. §  
 16 1441(b) in that it is a civil action between citizens of different states and the amount in controversy  
 17 exceeds the sum of \$75,000, exclusive of interest and costs.

18 The plaintiffs are residents of Pierce County, Washington. *Umlauf Decl.*, at Ex. 1.  
 19 Defendant Target is a Minnesota Corporation with its headquarters located in Minneapolis,  
 20 Minnesota. *Umlauf Decl.*, at Ex. 3. Removal of the plaintiffs' action to this Court is proper  
 21 because there is complete diversity of citizenship of the parties pursuant to 28 U.S.C. § 1332, and  
 22 there was complete diversity at the time plaintiffs' lawsuit was filed.

### 23 B. The Amount in Controversy Exceeds the Jurisdictional Minimum.

1 Plaintiffs confirmed they are claiming more than \$75,000 in damages in their response to  
2 Defendant's Request for Admissions by denying that they are not seeking damages in excess of  
3 \$75,000. *Umlauf Decl.*, at Ex. 2. This information is sufficient to conclude that plaintiffs seek to  
4 recover in excess of \$75,000 in damages against Defendant.

5 **C. This Notice of Removal is Timely Under 28 USC § 1446(b).**

6 Defendant Target's Notice of Removal is timely under 28 U.S.C. § 1446(b) because it  
7 is being filed "...within thirty days after receipt by the defendant, through service or otherwise,  
8 of a copy of initial pleading setting forth the claim for relief upon which such action or  
9 proceeding is based..." 28 U.S.C. § 1446(b).

10 **D. This Notice of Removal Complies with the Applicable Local Rules, and**  
11 **Venue Is Proper in the Western District of Washington Under 28 U.S.C. §**  
**128(b).**

12 This Notice of Removal complies with all applicable Federal Rules of Civil Procedure  
13 and Local Rules. Defendant Target has attached to the Declaration of Roy A. Umlauf, filed in  
14 support of this Notice, copies of all process, pleadings, and orders served upon it in the state  
15 court action, as required by 28 U.S.C. § 1446, and will transmit copies of any additional records  
16 in the Superior Court file within 10 days of the filing of this Notice. Venue is proper in this  
17 District pursuant to 28 U.S.C. §§ 128(b) and 1391, because this District encompasses King  
18 County, wherein plaintiffs filed the state court action being removed.

19 Defendant Target is serving plaintiffs' counsel with copies of this Notice of Removal and  
20 the supporting Declaration of Roy A. Umlauf (with exhibits).

21 **III. CONCLUSION**

1 Plaintiffs' civil action, originally filed in the King County Superior Court for the State of  
2 Washington, may be removed pursuant to 28 U.S.C. 1441 and 1446 to the United States District  
3 Court for the Western District of Washington at Seattle.

4 DATED this 30<sup>th</sup> day of March, 2021.

5 FORSBERG & UMLAUF, P.S.



6  
7 Roy A. Umlauf, WSBA #15437  
8 Forsberg & Umlauf, P.S.  
9 901 Fifth Avenue, Suite 1400  
10 Seattle, WA 98164  
11 Email: [Roy@FoUm.law](mailto:Roy@FoUm.law)  
12 Attorney for Defendant Target Corporation

13 FORSBERG & UMLAUF, P.S.



14 Kristin E. Bateman, WSBA #54681  
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17 Seattle, WA 98164  
18 Email: [KBateman@Foum.law](mailto:KBateman@Foum.law)  
19 Attorney for Defendant Target Corporation

**CERTIFICATE OF SERVICE**

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing **DEFENDANT TARGET'S NOTICE OF REMOVAL OF CIVIL ACTION UNDER 28 U.S.C. §§ 1332, 1441 AND 1446** on the following individuals in the manner indicated:

9 Lance M. Hester  
Hester Law Group, Inc., P.S.  
10 1008 S. Yakima Avenue, Suite 302  
Tacoma, WA 98405  
11 (X) Via ECF and Email: lance@hesterlawgroup.com

**SIGNED** this 30<sup>th</sup> day of March, 2021, at Seattle, Washington.

/s/ Erin D. Gray

Erin D. Gray

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